

353

BOOK 713 PAGE 5727

REVISED This order superseeds the prior Order recorded at Deed Book Page 708 Page 544.

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA  
§ 45.1-361.26**

**VIRGINIA:**

**BEFORE THE GAS AND OIL BOARD**

**APPLICANTS:**

CNX Gas Company LLC on behalf of Buckhorn Coal Company and certain heirs of the Jacob Fuller Heirs in a portion of Tract 1b ; Buckhorn Coal Company and certain heirs of the (Columbus) Earl Whited Heris in Tracts 2 and 3.

**DOCKET NO.**

**01-0821-0909-01**

**RELIEF SOUGHT:**

**Issuance:** A Supplemental Order for Disbursement of Escrowed Funds  
**Action:** Amending Prior Orders Affecting Drilling AW-109,  
A portion of Tract 1B and Tracts 2 and 3.  
(Referenced herein as "the Subject Drilling Unit")

**Location:** Russell County, Virginia

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AW-109 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

**REPORT OF THE BOARD**

**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Government Center in Lebanon, VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On August 21, 2001 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Russell County on January 10, 2002, Deed Book 544, Page 421 Instrument Number 0000169. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Russell County on February 19, 2003, Deed Book 575, Page 893 Instrument Number 0000801.
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Buckhorn Coal Company ; and the gas ownership interests of certain of the Jacob Fuller Heirs in Tract 1b, Buckhorn Coal Company and certain heirship of the (Columbus) Earl Whited Heris in Tracts 2 and 3. in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding a portion of Tract 1b and Tracts 2 and 3. a copy of which is attached to and made a part hereof, states under oath that Buckhorn Coal Company and the Applicants have entered into an agreement with regards to a portion of Tract 1b and Tracts 2 and 3 and that by the terms of the agreements, Buckhorn Coal Company has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Buckhorn Coal Company and the applicants that the Board would consider its disbursement authorization at its hearing on June 16, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of Tract 1b and Tracts 2 and 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 1b and Tracts 2 and 3 relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow.
- 4.5. The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

5.2 Applicant has certified and represented to the Board that:

- (1) Buckhorn Coal Company and certain individuals of the Jacob Fuller heirship property in Tract 1a; Buckhorn Coal Company and certain individuals of the (Columbus) Earl Whited Heirs in Tract 2 and Tract 3, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 1a and VGOB Tracts 2 and 3 of the Subject Drilling Unit;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement  
VGOB-01-0821-0909-01  
AW-109

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
<b>Table 1</b>						
<b>A portion of Tract 1B and Tracts 2 and 3.</b>						
<b>Disbursement Table</b>						
	Totals				35.0988	
Buckhorn Coal Co. - Coal		17.45	5.8897	50.0%	2.945	8.3902%
1B	Buckhorn Coal Co./ PO box 187 Tazewell, VA 24651					
1B	Mary Keen / 703 Baker Street / Mt. Gilead, OH 43335	0.018519	0.3232	50.0%	0.162	0.4604%
1B	EE & E Fletcher Enterprises / c/o Eddie Fletcher / 3652 Garden Creek Rd / Rowe Va 246	0.111111	1.9389	50.0%	0.969	2.7620%
1B	Marvin Fuller / 339 W. G. Street / Elizabethton, TN 37643	0.111111	1.9389	50.0%	0.969	2.7620%
1B	Patty Chambers / Rt. 1 Box 82 / Raven, VA 24639	0.044444	0.7756	50.0%	0.388	1.1048%
1B	Goldie Hess / 1557 Miller Creek Road / Rowe, VA 24646	0.013889	0.2424	50.0%	0.121	0.3453%
1B	Corene Perkins / 221 Arch Barrett Drive / Rosedale, VA 24280	0.013889	0.2424	50.0%	0.121	0.3453%
1B	Arlene Compton / Rt. 2 Box 190 / Honaker, VA 24260	0.013889	0.2424	50.0%	0.121	0.3453%
1B	Tolvy "Tracy" Perkins / 763 Bridge Drive / Pasadena, MD 21122	0.005334	0.0931	50.0%	0.047	0.1326%
1B	Ester Newton / 2621 Veda Drive / Bristol VA 24201	0.005334	0.0931	50.0%	0.047	0.1326%
Buckhorn Coal Co. - Coal			16.7900	50.0%	8.395	23.9182%
2	Buckhorn Coal Co./ PO box 187 Tazewell, VA 24651					
(Columbus) Earl Whitel Heirs - O & G		16.79				
2	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl Whitel / PO Box 399 / Lebanon VA 24266		16.7900	50.0%	8.3950	23.9182%
Buckhorn Coal Co. - Coal			2.8100	50.0%	1.405	4.0030%
3	Buckhorn Coal Co./ PO box 187 Tazewell, VA 24651					
(Columbus) Earl Whitel Heirs - O & G		2.81				
3	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl Whitel / PO Box 399 / Lebanon VA 24266		2.8100	50.0%	1.4050	4.0030%

## 6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

## 7. Conclusion:


Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

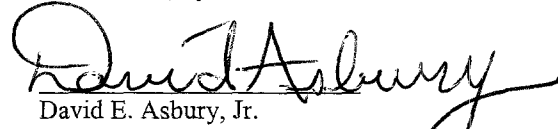
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 19 day of October, 2009, by a majority of the Virginia Gas and Oil Board.

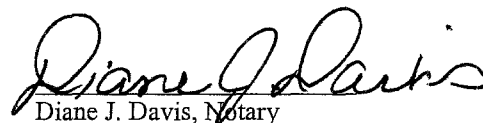
  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 19 day of October, 2009, by Order of the Board.

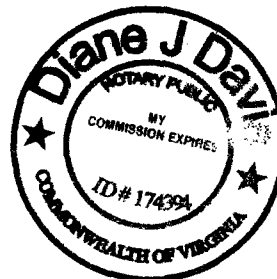
  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 19<sup>th</sup> day of October, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, Jr. being duly sworn did depose and say that he is Acting Principal Executive toe the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2013



Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA**  
**§ 45.1-361.26**

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**Location:** Russell County, Virginia

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VGOB-01-0821-0909-01  
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## 6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are no other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to close the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

## 7. Conclusion:

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**



8. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 20 day of July, 2009 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 20 day of July, 2009 by an Order of this Board.

David E. Asbury Jr.  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON**

Acknowledged on this 20<sup>th</sup> day of July, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis  
Diane J. Davis  
Notary Public #174394

My commission expires: 09 / 30 / 2009



For your information  
-Stephen M. Hodges-

VIRGINIA:

BOOK 713 PAGE 0738

IN THE CIRCUIT COURT OF RUSSELL COUNTY

RALPH SNEAD, Administrator C.T.A.  
for THE ESTATE OF COLUMBUS EARL WHITED,

HEIRS OF THE ESTATE OF COLUMBUS EARL WHITED, Deceased  
Marty Whited  
Cathy Ward  
Melissa Skeens  
Harold Whited  
Ferrell Whited  
Michael Whited

Plaintiffs,

v.

At Law No.: CL05-230

BUCKHORN IRON & IMPROVEMENT CO., N/K/A BUCKHORN  
COAL COMPANY, LLP – Coal Owner,  
ISLAND CREEK COAL COMPANY/CONSOLIDATION COAL CO. –  
Coal Lessee  
RESERVE COAL PROPERTIES COMPANY – Coal Lessee  
POCAHONTAS GAS PARTNERSHIP – CBM Lessee  
CONSOL ENERGY, INC./CNX GAS COMPANY LLC,

and

R. W. GENT  
R. F. GENT  
C. H. GENT, A/K/A  
GENT ENTERPRISES, LLP, a Virginia limited liability partnership,  
A/K/A  
GENT ENTERPRISES, LLC, a Virginia limited liability company,

Defendants.

AGREED ORDER OF ROYALTY SPLIT

On the second day of February, 2009 came the Plaintiffs, RALPH SNEAD, Administrator C.T.A. for THE ESTATE OF COLUMBUS EARL WHITED, deceased, Marty Whited and Cathy Ward, heirs of THE ESTATE OF COLUMBUS EARL WHITED, represented by Peter G. Glubiak, Esq.; ~~Michael Whited, Ferrell Whited, Herald Whited and Melissa Skeens~~, the last four being also heirs of THE ESTATE OF COLUMBUS EARL, ~~represented~~ by ~~Jim Terry Shortt, II, Esq. and Michael J. Letsen, Esq.~~ upon the Plaintiffs Third Amended Motion for Judgment herein filed by Peter G. Glubiak, Esq. for all of the Plaintiffs; and also came the Defendants, Buckhorn Coal Company, LLP, Defendant, represented by Eric D. Whitesell and Blair M. Gardner, Island Creek Coal Company/Consolidation Coal Company, Reserve Coal Properties Company, Pocahontas Gas Partnership and Consol Energy, Inc./CNX Gas Company LLC, represented by Stephen M. Hodges, and Gent Enterprises, LLC, Gent Enterprises, LLP, R. W. Gent, R. F. Gent, and C.H. Gent, Defendants, represented by Eric D. Whitesell, Esq.; upon a proposed royalty split agreement having been reached among the parties, resolving, as between the parties having an interest in the real estate comprising the drilling units hereafter set forth, the ownership of Coalbed Methane gas upon the basis of a 50-50 split and providing for the release of Coalbed Methane royalties being escrowed by the Virginia Gas and Oil

Board, royalties held in an in-house suspense account by CNX Gas Company LLC, and royalties to be paid upon production of oil and gas in the future, in accordance with the provisions set forth in this Order; upon a map of the drilling units that are the subject matter of this Order presented to the Court as an exhibit by the agreement of counsel; and upon argument of counsel.

Whereupon, it appearing to the Court from the proceedings heretofore had in this action that the Defendant, Buckhorn Coal Company, LLP owns certain coal lands in Russell County included within the drilling units hereafter described and claims that it is the owner of the Coalbed Methane gas produced from said drilling units and the Plaintiffs herein, as surface owners, having alleged that they are the owners of the Coalbed Methane gas produced from said drilling units on those certain lands and the split agreement between said parties resolves all issues concerning ownership of Coalbed Methane gas in regard to the units hereby specified and the division of past production royalties escrowed as above set forth and future production royalties and gas production after the date of this Order; and it further appearing to the Court that the parties' agreement should be granted, confirmed, and set forth in this Order, it is hereby

**ADJUDGED, ORDERED AND DECREED** that the Coalbed Methane gas royalties, past, present and future shall be divided and paid

50% to the Plaintiffs herein collectively, and 50% to Buckhorn Coal Company, LLP, Defendant herein, which split agreement shall apply to royalties escrowed from past production of Coalbed Methane gas and future royalties generated from future production of Coalbed Methane gas; said split agreement to be controlled by the actual acreages and amounts specified in the force pooling Orders and to be distributed pursuant to Orders of the Gas and Oil Board.

The VGOB Units and Tracts designated and agreed upon by the parties to the aforesaid split agreement are as follows:

DRILLING UNIT AV-110, VGOB: 01-0320-0870-01, (Tract 3D, Earl Whited – Surface, Oil & Gas, 13.84 acres at 27.1320%) – FORCED POOLED AND DEPOSITED INTO ESCROW ACCOUNT, TRACTS LOCATED IN THE HURRICANE DISTRICT OF BUCHANAN COUNTY AND THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AV-111, VGOB: 01-0116-0852, (Tract 3, Earl Whited – Surface, Oil & Gas, 6.89 acres at 13.5363% of 6.89 acres) – FORCED POOLED AND DEPOSITED INTO ESCROW, TRACT LOCATED IN THE HURRICANE DISTRICT OF BUCHANAN COUNTY AND THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AW-109, VGOB: 01-0821-0909 – (Tract 2, Earl Whited – 16.79 acres at 28.603% of Unit, Tract 3, Earl Whited – 2.81 acres at 4.7870% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

8

DRILLING UNIT CBM-PGP-AW-110, VOLUNTARY UNIT LEASED BY POCAHONTAS GAS PARTNERSHIP (Tract 1, Earl Whited, Surface, Oil & Gas – 54.40 acres or 92.6115% of the Unit), DEPOSITED INTO AN IN HOUSE SUSPENSE ACCOUNT WITH CNX GAS COMPANY AND/OR FORCED POOLED AND DEPOSITED INTO ESCROW, TRACT LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT CBM-PGP-AW-111, VGOB: 01-0320-0871 (Tract 1, Earl Whited, Surface, Oil & Gas – 21.80 acres at 37.14% of the Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AX-109, VGOB: 01-0821-0912 (Tract 2A, Earl Whited, Surface, Oil & Gas – 12.32 acres at 20.9881% of Unit, Tract 3, Earl Whited, Surface, Oil & Gas – 0.62 acres at 1.0562% of Unit) – FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.


*April*  
DRILLING UNIT AX-110, VGOB: 01-0320-0872 - (Tract 3, Earl Whited – 2.34 acres or 3.9864% of Unit, Tract 5, Earl Whited, Surface, Oil & Gas – 20.12 acres at 34.2760% of Unit, Tract 6, Earl Whited, Surface, Oil & Gas – 19.07 acres at 32.4872% of Unit) – FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AX-111, VGOB: 01-0320-0873 - (Tract 2, Earl Whited, Surface, Oil & Gas – 12.99 acres at 22.1295% of Unit) – FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AY-109, VOLUNTARY UNIT LEASED BY POCAHONTAS GAS PARTNERSHIP - (Tract 2A, Earl Whited, Surface, Oil & Gas - 1.20 acres at 2.0443% of the Unit) - DEPOSITED INTO AN IN HOUSE SUSPENSE ACCOUNT WITH CNX GAS COMPANY AND/OR FORCED POOLED AND DEPOSITED INTO ESCROW, TRACT LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

DRILLING UNIT AY-110, VGOB: 01-0320-0875 - (Tract 2, Earl Whited, Surface, Oil & Gas - 3.28 at 5.5877% of Unit, Tract 4, Earl Whited, Surface, Oil & Gas - 11.37 acres of the Unit at 19.3697% of Unit, Tract 5, Earl Whited, Surface, Oil & Gas - 16.51 acres of the Unit at 28.1261% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

*April*  
DRILLING UNIT AY-111, VGOB: 01-0320-0876 - (Tract 2, Earl Whited, Surface, Oil & Gas - 21.77 acres of the Unit at 37.0869% of Unit, Tract 4, Earl Whited, Surface, Oil & Gas - 5.31 acres of the Unit at 9.0460% of Unit, Tract 5, Earl Whited, Surface, Oil & Gas - 1.51 acres of the Unit at 2.5724% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

  
DRILLING UNIT AY-112, VGOB: 01-0320-0877 - (Tract 2D, Earl Whited, Surface, Oil & Gas - 13.92 acres of Unit at 23.7138% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

*8*  
DRILLING UNIT AZ-110, VGOB: 02-0917-1070 - (Tract 1E, Earl Whited - 0.25 acres at 0.4256% of Unit, Tract 1F, Earl Whited, Surface, Oil & Gas - 1.67 acres of the Unit at 2.8430% of Unit, Tract 1G, Earl Whited, Surface, Oil & Gas - 3.06 acres of the Unit at 5.2094% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

April  
DRILLING UNIT AZ-111, VGOB: 02-0416-1023 - (Tract 1E, Earl Whited - 33.47 acres of the Unit at 56.9799% of Unit, Tract 1F, Earl Whited, Surface, Oil & Gas - 0.54 acres of the Unit at 0.9193% of Unit, Tract 2, (Columbus) Earl Whited - 6.27 acres of the Unit at 10.6741% of Unit) - FORCED POOLED AND DEPOSITED INTO ESCROW, TRACTS LOCATED IN THE NEW GARDEN DISTRICT OF RUSSELL COUNTY, VIRGINIA.

It further appearing to the Court that the collective Gent parties have no interest in the real estate comprising the above listed drilling units, which are identical to those set forth in the Plaintiffs' Third Amended Motion for Judgment, they are, upon the Motion of their attorney, Eric D. Whitesell, Esq., dismissed as parties' Defendant to this action.

It further appearing to the Court that the split agreement confirmed by this Order resolves all issues pertaining to Coalbed Methane gas ownership of the drilling units identified in the Plaintiffs' Third Amended Motion for Judgment and that there remains nothing further to be done in this action, this Order shall constitute a **FINAL ORDER** of this Court in regard to the ownership of the Coalbed Methane gas, both past and future, produced from the drilling units described herein and this action is **ORDERED** stricken from the docket of this Court and filed among the ended cases herein.



The Clerk is directed to furnish an attested copy of this Order to all  
counsel of record.

ENTERED: 2/23/2009

  
JUDGE

A COPY TESTE  
ANN S. McREYNOLDS, CLERK

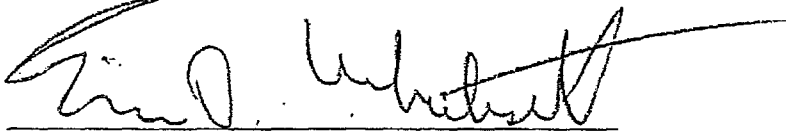
 D. CLERK

Seen and Agreed To:



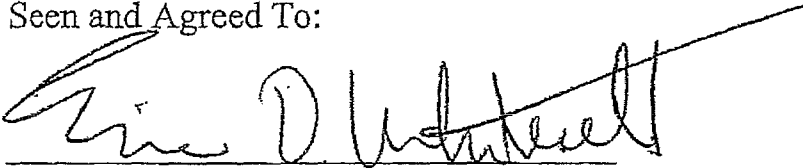
Peter G. Glubiak, Esquire (VSB #31271)  
Counsel for Ralph D. Snead, Administrator  
CTA of the Estate of Columbus Earl Whited,  
Marty Whited and Cathy Ward  
GLUBIAK LAW OFFICE  
P. O. Box 144  
11165 West River Road  
Aylett, Virginia 23009  
Telephone: (804) 769-1616  
Facsimile: (804) 769-1897  
*Counsel for Plaintiffs*

Seen and Agreed To:



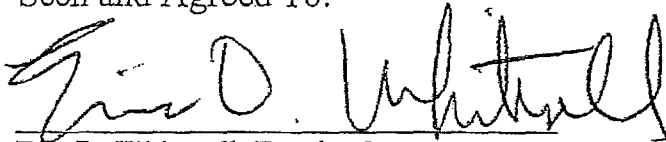
Eric D. Whitesell, Esquire (VSB #17631)  
GILLESPIE, HART, ALTIZER & WHITESELL, P.C.  
126 Main Street  
P. O. Box 718  
Tazewell, Virginia 24651  
*Counsel for Defendant Buckhorn Coal Company*

Seen and Agreed To:



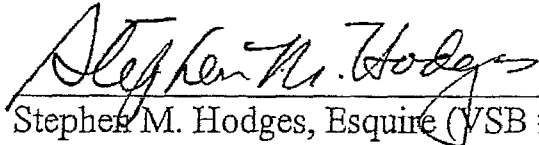
Eric D. Whitesell, Esquire (VSB #17631)  
GILLESPIE, HART, ALTIZER & WHITESELL, P.C.  
126 Main Street  
P. O. Box 718  
Tazewell, Virginia 24651  
*Counsel for Gent Defendants*

Seen and Agreed To:



Eric D. Whitesell, Esquire for  
Blair M. Gardner, Esquire (WVSB #8807)  
By permission  
Jackson & Kelly, PLLC  
Suite 1600  
P. O. Box 553  
Charleston, WV 25302  
*Counsel for Defendant Buckhorn Coal Company*

Seen and No Objection:



Stephen M. Hodges, Esquire (VSB #1220)

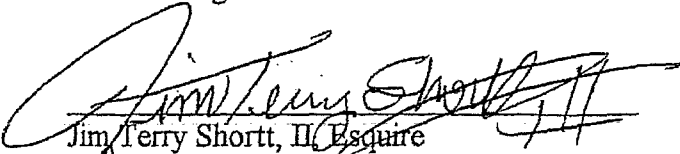
PENN, STUART & ESKRIDGE

P. O. Box 2288

Abingdon, Virginia 24212-2288

*Counsel for Defendants' Island Creek Coal/Consolidation Coal  
Reserve Coal, Pocahontas Gas Partnership, Consol Energy and  
CNX Gas Company*

Seen and Agreed:

  
Jim Terry Shortt, II, Esquire  
Michael J. Letsen, Esquire  
Galumbeck, Dennis, and Kegley  
P. O. Box 626

Tazewell, Virginia 24651

*Counsel for Plaintiffs'*

*Michael Whited, Ferrell Whited, Herald Whited, and Melissa Skeens*

Seen and Agreed:

  
Michael Whited, Plaintiff


Seen and Agreed:

  
Ferrell Whited, Plaintiff

Seen and Agreed:

  
Herald Whited, Plaintiff

Seen and Agreed:

  
Melissa Skeens, Plaintiff

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11

F. W. H. W.  
S. M. W.

15

BOOK 713 PAGE 0747  
BOOK 708 PAGE 0332  
**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER: CNX Gas Company LLC**

**DIVISION OF GAS AND OIL**

**DOCKET NO: VGOB 01-0821-0900-01**

**RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) 2, 3 & a portion of 1B  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES**

**HEARING DATE: June 16, 2009**

**DRILLING UNIT: AW-109**

**BUCHANAN COUNTY, VIRGINIA**

**MISCELLANEOUS PETITION**

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2, 3 a portion of 1B as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mary Keen, EE & E Fletcher Enterprises, Marvin Fuller, Patty Chambers, Goldie Hess, Corene Perkins, Arlene Compton, Tolv "Tracy" Perkins and Ester Newton.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mary Keen, EE & E Fletcher Enterprises, Marvin Fuller, Patty Chambers, Goldie Hess, Corene Perkins, Arlene Compton, Tolv "Tracy" Perkins and Ester Newton have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid. *Initial payout for the heirs of Columbus Earl Whited should be made payable to trust account: Glubiak Law Office, P.O. Box 144, Aylett, VA 23009 (Ralph Snead, Administrator C.T.A. of the Estate will distribute in accordance with Columbus Earl Whited's will.)*

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.



**CNX GAS COMPANY LLC**  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: \_\_\_\_\_

*Anita D. Duty*  
**Anita D. Duty**  
Pooling Supervisor  
CNX Land Resources Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

16

**Tract-by-Tract Escrow Calculation**  
Account Balances as of 3/31/09

BOOK 713 PAGE 0748

Unit AW-109  
VGOB 01-0821-0909-01  
Acres Escrowed: 35.09879

BOOK 703 PAGE 0500

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$86,762.57
Buckhorn Coal Co. - Coal	1b	15.49879			44.15762%		
Jacob Fuller Heirs - O&G		17.45					
Mary Keen			0.3232	0.018519		0.4604%	\$399.41
EE & E Fletcher Enterprises			1.9389	0.111111		2.7620%	\$2,396.42
Marvin Fuller			1.9389	0.111111		2.7620%	\$2,396.42
Patty Chambers			0.7755	0.044444		1.1048%	\$958.56
Goldie Hess			0.2424	0.013889		0.3453%	\$299.56
Corene Perkins			0.2424	0.013889		0.3453%	\$299.56
Arlene Compton			0.2424	0.013889		0.3453%	\$299.56
Tolvy "Tracy" Perkins			0.0931	0.005334		0.1326%	\$115.04
Ester Newton			0.0931	0.005334		0.1326%	\$115.04
Buckhorn Coal Co. - Coal	2	16.79000			47.83641%	23.9182%	\$20,752.05
(Columbus) Earl Whited Heirs - O&G							
Michael Whited			1.6790	10%		2.3918%	\$2,075.20
Ferrell Whited			3.0222	18%		4.3053%	\$3,735.37
Herald Whited			3.0222	18%		4.3053%	\$3,735.37
Marty Whited			3.0222	18%		4.3053%	\$3,735.37
Cathy Darlene Ward			3.0222	18%		4.3053%	\$3,735.37
Melissa Skeens			3.0222	18%		4.3053%	\$3,735.37
Buckhorn Coal Co. - Coal	3	2.81000			8.00597%	4.0030%	\$3,473.09
(Columbus) Earl Whited Heirs - O&G							
Michael Whited			0.2810	10%		0.4003%	\$347.31
Ferrell Whited			0.5058	18%		0.7205%	\$625.16
Herald Whited			0.5058	18%		0.7205%	\$625.16
Marty Whited			0.5058	18%		0.7205%	\$625.16
Cathy Darlene Ward			0.5058	18%		0.7205%	\$625.16
Melissa Skeens			0.5058	18%		0.7205%	\$625.16

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 575 PAGE 0097

Book 708 Page 561

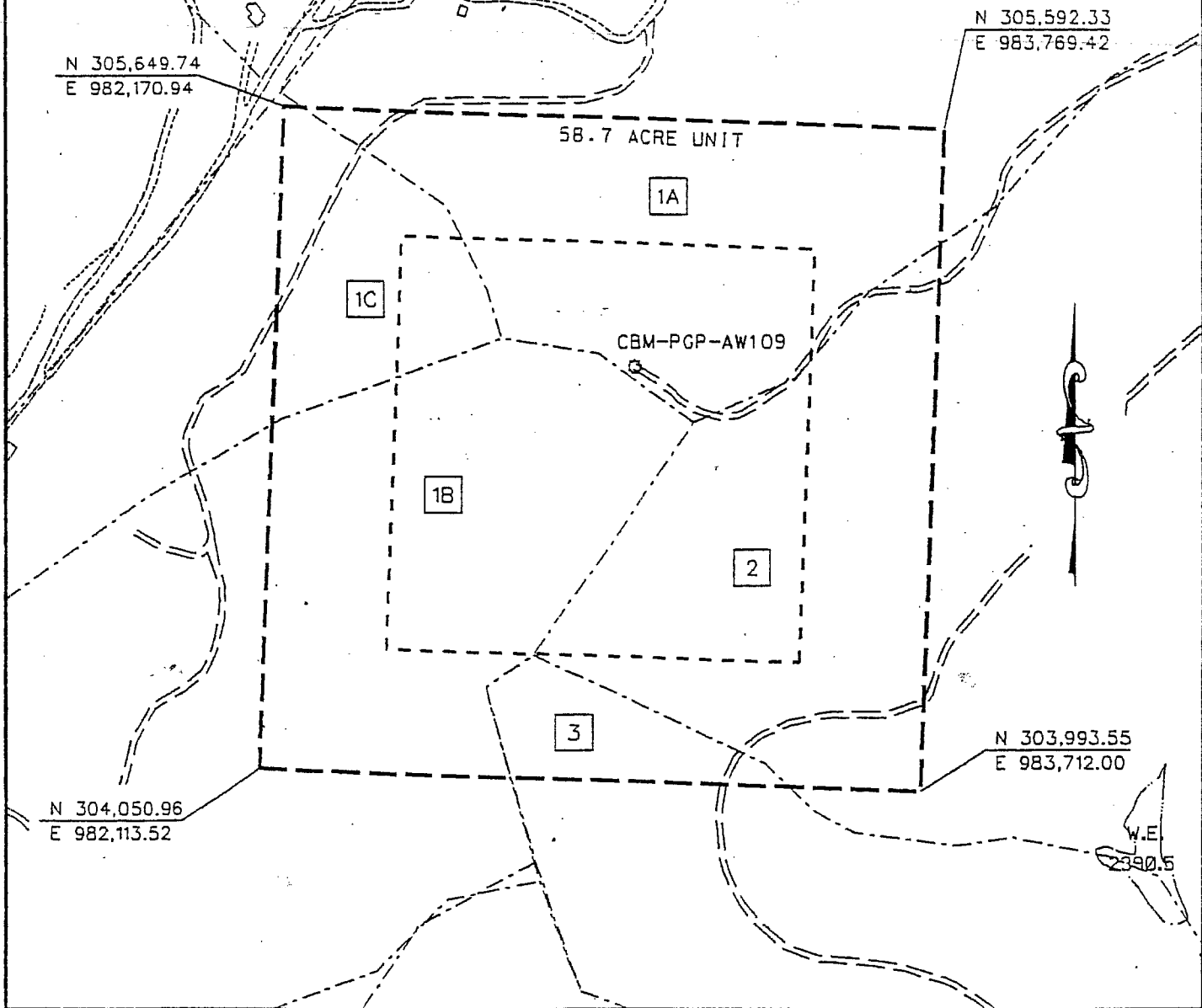


EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT AW-109  
FORCE POOLING  
VGOB-01-0821-0909

Company Pocahontas Gas Partnership Well Name and Number UNIT AW109  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle CLAUDE D. MCROBERT  
 County Russell District New Garden Scale: 1" = 400' Date 7/16/01  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

**POCAHONTAS GAS PARTNERSHIP****Unit AW-109****Tract Identifications****(58.7 Acre Unit)**

- 1A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal, Oil & Gas  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
Billy Helton - Surface  
15.53 acres 26.4566 %
- 1B. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Jacob Fuller Heirs or Successors - Oil & Gas  
Buckhorn Coal Company - Surface  
17.45 acres 29.7274 %
- 1C. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Fee  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
6.12 acres 10.4259 %
2. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Earl Whited - Surface, Oil & Gas  
Pocahontas Gas Partnership - Oil, Gas and CBM Leased  
16.79 acres 28.6031 %
3. Buckhorn Coal Company (H. C. Stuart 405 Acre Tract) - Coal  
Coal Lessees  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Earl Whited - Surface, Oil & Gas  
Pocahontas Gas Partnership - Oil, Gas and CBM Leased  
2.81 acres 4.7870 %



BOOK 213 PAGE 0751  
BOOK 708 PAGE 0502

**Exhibit E**  
**Unit AW-109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

	<b>Acres in Unit</b>	<b>Interest in Unit</b>	<b>Percent of Escrow</b>
<b><u>Tract #1B, 17.45 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	17.45 acres	29.727%	(1.95121 Acres out of 17.45 Total Acres Paid out due to R
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
<b>Jacob Fuller Heirs, Devisees, Successors or Assigns</b>	17.45 acres	29.727%	49.7168% (1.95121 Acres out of 17.45 Total Acres Paid out due to R
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns			
(a) Claude and Luran Compton Heirs			
(a.1) Geneviva Cotsmire 215 Kanawha Avenue Dunbar, WV 25064	0.08079 acres 0.004630 of 17.45 acres	0.1376%	0.2302%
(a.2) Della Meadows P.O. Box 823 Honaker, VA 24260	0.08079 acres 0.004630 of 17.45 acres	0.1376%	0.2302%
(a.3) Margaret Kleffman 5112 Kingsport Highway Gray, TN 37615	0.08079 acres 0.004630 of 17.45 acres	0.1376%	0.2302%
(a.4) Doris Smith 3108 Star Route 98 Bucyrus, OH 44820	0.08079 acres 0.004630 of 17.45 acres	0.1376%	0.2302%
(b) Trula Morgan P.O. Box 369 Swords Creek, VA 24649	0.32316 acres 0.018519 of 17.45 acres	0.5505%	0.9207%
(c) Brady Massie Heirs, Devisees, Successors or Assigns			
(c.1) James Massie P.O. Box 682 Honaker, VA 24260	0.06463 acres 0.003704 of 17.45 acres	0.1101%	0.1842%
(c.2) Leroy Massie P.O. Box 794 Honaker, VA 24260	0.06463 acres 0.003704 of 17.45 acres	0.1101%	0.1842%
(c.3) Ruby & Leroy Lester 503 Twin Oak Circle Lebanon, VA 24266	0.06463 acres 0.003704 of 17.45 acres	0.1101%	0.1842%
(c.4) Gladys Puckett P.O. Box 153 Easley, SC 29641	0.06463 acres 0.003704 of 17.45 acres	0.1101%	0.1842%

**Exhibit E**  
**Unit AW-109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

BOOK 213 PAGE 0752

	Acres in Unit	Interest in Unit	Percent of Escrow
(c.5) David & Debra Taylor 1580 Kenmore Drive Kingsport, TN 37664	0.06463 acres 0.003704 of 17.45 acres	0.1101%	0.1842%
(d) Nelson Compton Rt.2 Box 190 Honaker, VA 24260	0.32316 acres 0.018519 of 17.45 acres	0.5505%	0.9207%
(f) Lacy Richardson Heirs, Devisees, Successors or Assigns			
(f.1) William Earl Richardson 1140 Texarkana Drive Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.2) Nelson Richardson 1124 Texarkana Drive Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.3) Fred Richardson 9019 Broken Arrow Road Indianapolis, IN 46234	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.4) Roger Richardson 4313 E. 46th Street Indianapolis, IN 46231	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.5) Alice Marie Musick 7981 N. 875 W Indianapolis, IN 46259	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.6) Betty Doty 875 W. 6779 Lambert Street Indianapolis, IN 46241	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.7) Linda Cook 111 Monterey Drive Mooresville, NC 28115	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(f.8) Violet Dunn 2635 14th St. Vero Beach, FL 32960-3205	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(2) Alta Cordell Heirs, Devisees, Successors or Assigns			
(a) Edna Shaffer Heirs, Devisees, Successors or Assigns			
(a.1) Virgie Correll Address Unknown	1.93889 acres 0.111111 of 17.45 acres	3.3030%	5.5241%
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns			
(b) Cora Faye Ray Heirs, Devisees, Successors or Assigns			

21

Exhibit E  
Unit AW-109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

BOOK 708 PAGE 0585  
BOOK 713 PAGE 0753

	Acres in Unit	Interest in Unit	Percent of Escrow
(b.2) Lucy Blankenship HC65 Box 103 Rowe, VA 24649	0.16157 acres 0.009259 of 17.45 acres	0.2752%	0.4603%
(f) James D. Rasnake 22484 Montego Bay Road Abingdon, VA 24211	1.85813 acres 0.106483 of 17.45 acres	3.1655%	5.2940%
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns			
(a) Finley Nuckles Heirs, Devisees, Successors or Assigns			
(a.1) Betty Nuckles, Widow 275 Beverly Drive Abingdon, VA 24210	<i>Life Estate</i>		
(a.2) Carolyn Carty 1614 River Creek Drive Suffolk, VA 23434	0.19389 acres 0.011111 of 17.45 acres	0.3303%	0.5524%
(a.3) Beverly Nuckles 106 Little Pond Court Suffolk, VA 23434	0.19389 acres 0.011111 of 17.45 acres	0.3303%	0.5524%
(c) Ruth Coleman Heirs, Devisees, Successors or Assigns			
(c.1) Mellie Coleman <i>Address Unknown</i>	0.19390 acres 0.011112 of 17.45 acres	0.3303%	0.5525%
(c.2) Michael Coleman <i>Address Unknown</i>	0.19390 acres 0.011112 of 17.45 acres	0.3303%	0.5525%
(d) Irene Minnix Heirs, Devisees, Successors or Assigns			
(d.1) Debbie Penaly <i>Address Unknown</i>	0.38777 acres 0.022222 of 17.45 acres	0.6606%	1.1048%
(7) Emily Keen Heirs, Devisees, Successors or Assigns			
(a) Earl Whited Heirs, Devisees, Successors or Assigns			
(a.1) Michael Whited PO Box 297 Swords Creek, VA 24696	0.02424 acres 0.0013889 of 6.27 acres	0.0413%	0.0691%
(a.2) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.04363 acres 0.0025000 of 6.27 acres	0.0743%	0.1243%
(a.3) Herald Whited PO Box 517 Rosedale, VA 24280	0.04363 acres 0.0025000 of 6.27 acres	0.0743%	0.1243%

Exhibit E  
Unit AW-109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

BOOK 708 PAGE 0066

BOOK 713 PAGE 0754

	Acres in Unit	Interest in Unit	Percent of Escrow
(a.4) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.04363 acres 0.0025000 of 6.27 acres	0.0743%	0.1243%
(a.5) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.04363 acres 0.0025000 of 6.27 acres	0.0743%	0.1243%
(a.6) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.04363 acres 0.0025000 of 6.27 acres	0.0743%	0.1243%
(b) Lydia Hess P.O. Box 43 Rosedale, VA 24280	0.24236 acres 0.013889 of 17.45 acres	0.4129%	0.6905%
(e) Mason Whited Rt. 1 Box 670 Swords Creek, VA 24649	0.24236 acres 0.013889 of 17.45 acres	0.4129%	0.6905%
(f) Eugene Whited 25429 Briarwood Drive Columbia Station, OH 44028	0.24236 acres 0.013889 of 17.45 acres	0.4129%	0.6905%
(h) Leona Shope P.O. Box 272 Rosedale, VA 24280	0.24236 acres 0.013889 of 17.45 acres	0.4129%	0.6905%
(8) Elbert Fuller Heirs, Devisees, Successors or Assigns			
(a) Arnold Fuller Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	1.3810%
(b) Ollie Wilson Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	1.3810%
(c) Dora Webb Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	1.3810%
(d) Leona Beavers Address Unknown	0.48473 acres 0.027778 of 17.45 acres	0.8258%	1.3810%
(9) Ellen Brown Heirs, Devisees, Successors or Assigns			
(a) Goldine Lilly 303 Wolfe Creek Road Spanishburg, WV 25922	0.06980 acres 0.004000 of 17.45 acres	0.1189%	0.1989%
(b) Richard E. Rose 1406 South Avenue Princeton, WV 24740	0.06980 acres 0.004000 of 17.45 acres	0.1189%	0.1989%
(c) Arcel Rose P.O. Box 1705 Beaver, WV 25813	0.06980 acres 0.004000 of 17.45 acres	0.1189%	0.1989%

Exhibit E  
Unit AW-109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

Book 708 Page 567

BOOK 713 PAGE 0755

	Acres in Unit	Interest in Unit	Percent of Escrow
(d) Luther Abshire, Jr. Heirs, Devisees, Successors or Assigns			
(d.1) Cathy Tisdale 54 Jennie Lynn Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%	0.0166%
(d.2) John Abshire 236 Meadow Rue Lane Crimora, VA 24431	0.00581 acres 0.000333 of 17.45 acres	0.0099%	0.0166%
(e) Hassel Raymond Abshire 1074 Beckley Road Camp Creek, WV 25820	0.01164 acres 0.000667 of 17.45 acres	0.0198%	0.0332%
(f) Helen Parr 37 Crimora Mine Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%	0.0332%
(g) Daniel Abshire 211 Mine Branch Road Crimora, VA 24431	0.01164 acres 0.000667 of 17.45 acres	0.0198%	0.0332%
(h) Fred K. Abshire Rt.1 Box 287D Linhurst, VA 22952	0.01164 acres 0.000667 of 17.45 acres	0.0198%	0.0332%
(l) Myrtle Lee Norton Heirs, Devisees, Successors or Assigns			
(l.1) Mitzi Helbert 45 Pace Drive Bristol, VA 24201	0.06882 acres 0.003944 of 17.45 acres	0.1172%	0.1961%
(l.2) Michael Whitt Address Unknown	0.06882 acres 0.003944 of 17.45 acres	0.1172%	0.0000% 0.1961%
(m) Carson Brown P.O. Box 105 Rosedale, VA 24280	0.13766 acres 0.007889 of 17.45 acres	0.2345%	0.3922%
(n) Tivis Brown 4991 Lynn Springs Rd. Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%	0.3922%
(o) Mildred Hale Rt.1 Box 197 Swords Creek, VA 24649	0.13766 acres 0.007889 of 17.45 acres	0.2345%	0.3922%
(p) Judy Farmer HC65 Box 45 Vansant, VA 24656	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(q) Pauline Presley 1302 W. Ajo Way 308 Tucson, AZ 85713	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%

**Exhibit E**  
**Unit AW-109**  
**Docket No. VGOB-01-0821-0909**  
**List of Conflicting Owners/Claimants that require escrow**

BOOK 710 PAGE 0756

	Acres in Unit	Interest in Unit	Percent of Escrow
(r) Clarence Whited Rt.1 Box 356 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(s) Bobby Whited P.O. Box 243 Bastian, VA 24314	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(t) Delma Coleman P.O. Box 506 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(u) Helen Patterson 2260 McBrager Court Cumming, GA 30130	0.04040 acres 0.002315 of 17.45 acres	0.0688%	0.1151%
(v) Fayne Whited P.O. Box 1142 Grundy, VA 24614	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(w) Carolyn Whited 15194 Porterfield Highway Abingdon, VA 24210	0.03490 acres 0.002000 of 17.45 acres	0.0595%	0.0994%
(x) Lucille Pendell 95 Spring Valley Road Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(y) Elmer Brown Rt.1 Box 476 Vansant, VA 24565	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(z) Garland Brown P.O. Box 215 Rosedale, VA 24280	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(aa) Pauline Brown HC65 Box 45 Oakwood, VA 24631	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(ab) Carl Brown 12077 Salem Church Road King George, VA 22485	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(ac) Emory Brown 15222 Michigan Road Woodbridge, VA 22191	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(ad) Earl Brown 327 Meadow Crest Drive Bristol, VA 24201	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(ae) Richard Brown Box 182 Maple Hurst Lane Bluff City, TN 37618	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%

Exhibit E  
Unit AW-109  
Docket No. VGOB-01-0821-0909  
List of Conflicting Owners/Claimants that require escrow

Book 708 Page 569

BOOK 713 PAGE 0757

	Acres in Unit	Interest in Unit	Percent of Escrow
(af) Virgil K. Street Box 999 Honaker, VA 24260	0.03103 acres 0.001778 of 17.45 acres	0.0529%	0.0884%
(ag) Dexter Perkins Heirs, Devisees, Successors or Assigns			
(ag.1) Lennie E. Perkins 3814 Ludgate Drive Chesapeake, VA 23321	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(ah) Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(ai) Chester C. Smith 1020 Buena Vista Road South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(aj) Audry Blankenship HC63 Box 142A Jewell Ridge, VA 24622	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(ak) Wayne E. Smith 175 Sylvan Shores Drive South Vienna, OH 45369	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(al) Jesse Street 772 Big Creek Road Richlands, VA 24641	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(am) Elster Hurley 1509 Norway Street Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(an) Frankie Ratliff c/o Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00389 acres 0.000223 of 17.45 acres	0.0066%	0.0111%
(ao) Dr. L.M. Harrison Heirs, Devisees, Successors or Assigns Address Unknown	0.24236 acres 0.013889 of 17.45 acres	0.4129%	0.6905%

20

Exhibit EE  
Unit AW109  
Docket #VGOB-01-0821-0909  
List of Conflicting Owners/Claimants with Royalty Split Agreements

BOOK 713 PAGE 0738

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1B, 17.45 acres</u>			35.09879
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	17.45 acres	29.727%	
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
Jacob Fuller Heirs, Devisees, Successors or Assigns	17.45 acres	29.7274%	
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns			
(e) Mary Keen 703 Baker Street Mt. Gilead, OH 43335	0.323 acres 1.851900% of 1.75 acres	0.5505%	0.4604%
(2) Myrtle Rowe Heirs, Devisees, Successors or Assigns			
(a) EE & E Fletcher Enterprises c/o Eddie Fletcher 3652 Garden Creek Road Rowe, VA 24646	1.939 acres 11.111100% of 1.75 acres	3.3030%	2.7620%
(4) William T. Fuller Heirs, Devisees, Successors or Assigns			
(a) Marvin Fuller 399 W.G. Street Elizabethton, TN 37643	1.939 acres 11.111100% of 1.75 acres	3.3030%	2.7620%
(5) Laura Fuller Rasnake Heirs, Devisees, Successors or Assigns			
(a) Michael Rasnake, et ux. 73 Miller Creek Road Honaker, VA 24260	0.323 acres 1.851900% of 1.75 acres	0.5505%	n/a
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns			
(b) Hestor Arwood & Marie Blankenship Heirs, Devisees, Successors or Assigns			
(b.1) Patty Chambers Rt. 1 Box 82 Raven, VA 24639	0.776 acres 4.444400% of 1.75 acres	1.3212%	1.1048%
(7) Emily Keen Heirs, Devisees, Successors or Assigns			
(c) Goldie Hess 1557 Miller Creek Road Rowe, VA 24646	0.242 acres 1.388900% of 1.75 acres	0.4129%	0.3453%



Exhibit EE  
Unit AW109  
Docket #VGOB-01-0821-0909  
List of Conflicting Owners/Claimants with Royalty Split Agreements

Book 708 Page  
713 PAGE 571  
J 7 2009

	Acres in Unit	Interest in Unit	Percent of Escrow
			35.09879
(d) Corene Perkins 221 Arch Barrett Drive Rosedale, VA 24280	0.242 acres 1.388900% of 1.75 acres	0.4129%	0.3453%
(g) Arlene Compton Rt.2 Box 190 Honaker, VA 24260	0.242 acres 1.388900% of 1.75 acres	0.4129%	0.3453%
(9) Ellen Brown Heirs, Devisees, Successors or Assigns			
(j) Anna Nuckles 568 Donald C. Moore Drive Lebanon, VA 24266	0.093 acres 0.533400% of 1.75 acres	0.1586%	n/a
(k) Tolv "Tracy" Perkins 763 Bridge Drive Pasadena, MD 21122	0.093 acres 0.533400% of 1.75 acres	0.1586%	0.1326%
(l) Ester Newton 2621 Veda Drive Bristol, VA 24201	0.093 acres 0.533400% of 1.75 acres	0.1586%	0.1326%

**Tract #2, 16.79 acres**

**COAL FEE OWNERSHIP**

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	16.79 acres	28.6031%	23.9182%
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**OIL & GAS FEE OWNERSHIP**

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	16.79 acres	28.6031%	23.9182%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.68 acres 10% of 16.79 acres	2.8603%	2.3918%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	3.02 acres 18% of 16.79 acres	5.1486%	4.3053%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	3.02 acres 18% of 16.79 acres	5.1486%	4.3053%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	3.02 acres 18% of 16.79 acres	5.1486%	4.3053%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	3.02 acres 18% of 16.79 acres	5.1486%	4.3053%

28

Exhibit EE  
Unit AW109  
Docket #VGOB-01-0821-0909  
List of Conflicting Owners/Claimants with Royalty Split Agreements

BOOK 708 PAGE 0772

BOOK 713 PAGE 0763

	Acres in Unit	Interest in Unit	Percent of Escrow
			35.09879
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	3.02 acres 18% of 16.79 acres	5.1486%	4.3053%

Tract #3, 2.81 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	2.81 acres	4.7871%	4.0030%
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OIL & GAS FEE OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	2.81 acres	4.7871%	4.0030%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.28 acres 10% of 2.81 acres	0.4787%	0.4003%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.51 acres 18% of 2.81 acres	0.8617%	0.7205%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.51 acres 18% of 2.81 acres	0.8617%	0.7205%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.51 acres 18% of 2.81 acres	0.8617%	0.7205%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.51 acres 18% of 2.81 acres	0.8617%	0.7205%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.51 acres 18% of 2.81 acres	0.8617%	0.7205%

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 7-23, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at \_\_\_\_\_ o'clock P.M, after payment of \$ \_\_\_\_\_ tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: ANN S. McREYNOLDS, CLERK  
BY: Ann S. McReynolds D. CLERK

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 11-10, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:30 o'clock P.M, after payment of \$ \_\_\_\_\_ tax imposed by Sec. 58.1-802.

Original returned this date to: Tina Neal

TESTE: ANN S. McREYNOLDS, CLERK  
BY: Ann S. McReynolds D. CLERK